

Remarks

Claims 1-20 are pending in the application, and all stand rejected. Favorable reconsideration is respectfully requested.

Claims 1-20 were rejected under 35 USC 103(a) as being unpatentable over Kumar et al. (US 6,434,367) in view of Grier (US 5,615,213).

To support a rejection under §103, all claim limitations of a claimed invention must be taught or suggested by the prior art. See MPEP, § 2143.03 and *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Kumar and Grier do not meet this requirement, either independently or in combination. Neither Kumar nor Grier teaches or suggests determining, based on a latency dependency of data, whether the data is appropriate for transmission over a digital control channel, as required by each of the independent claims. Moreover, since the dependent claims incorporate the features of the independent claims, the dependent claims are likewise allowable over Kumar and Grier for at least the foregoing reasons.

In view of the above, Kumar and Grier cannot support the asserted rejection, and accordingly, withdrawal of the rejection of claims 1-20 as unpatentable over Kumar and Grier is respectfully requested.

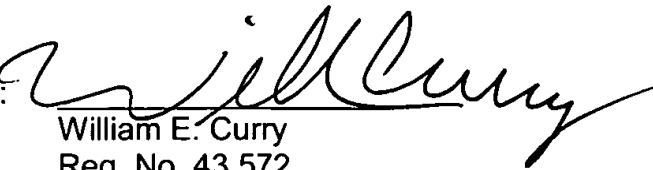
In conclusion, the applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4323 to discuss any matter concerning this application. The Office is authorized to charge any fees under 37 C.F.R. 1.16 or 1.17 related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

Dated: OCTOBER 8, 2003

By:


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